

S.B CRIMINAL REVISION PETITION NO.1119/2006
(Smt.Usha Devi vs. The State of Rajasthan & Anr.)

Date :: 11.09.2007

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr.M.K. Garg, for the petitioner.
Mr.Vishnu Kachwaha, Public Prosecutor.
Mr.Ravindra Champawat, for the respondent.

By way of filing present revision petition, the petitioner is challenging the order dated 01st December, 2006 passed by learned Chief Judicial Magistrate, Jalore, whereby complaint filed by the petitioner was rejected while considering the merit of the case.

It is contended by learned counsel for the petitioner that his complaint was listed before the Court on 31st October, 2006. On that date opportunity was granted to the petitioner for adducing evidence in support of his complaint and case was ordered to be listed on 30th November, 2006. On the said date, arguments were heard only on the question of jurisdiction. Thereafter on 01st December, 2006 the impugned order was passed. On the said date, advocates were on strike, but learned trial court has rejected the complaint while considering the merit of the case, whereas arguments were heard only on the question of jurisdiction.

I have heard learned counsel for the parties and perused all the order-sheets.

It is obvious from the order-sheet dated 30th November, 2006 that arguments were heard on the question of jurisdiction only, therefore, learned trial court was under obligation to decide the question of jurisdiction first. But upon perusal of the impugned order, it is revealed that matter has been decided on merit.

In these circumstances, the order impugned dated 01st December, 2006 is quashed and the case is remitted to the learned trial court for deciding the matter afresh after providing due opportunity of hearing. Learned trial court is also directed to first decide the question of jurisdiction then the opportunity of adducing evidence may be granted in accordance with law.

With these directions/observations, the criminal revision petition is disposed of.

(GOPAL KRISHAN VYAS), J.